

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

JOHNNY G. McINTYRE

CIVIL ACTION NO. 97-cv-0241

VERSUS

JUDGE WALTER

WARDEN, WADE CORRECTIONAL  
CENTER

MAGISTRATE JUDGE HORNSBY

**O R D E R**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

**IT IS ORDERED** that the **Motion for Relief From Judgment Pursuant to Rule 60(b) (Doc. 38)** is **denied**.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 2  
day of December, 2016.

Donald E. Walter  
DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE